

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

LUZ MARIA ACEVEDO VARGAS, et al.,

Plaintiffs,

vs.

CIVIL NO. 96-2102 (DRD)

GUMERSINDO COLON, et al.,

Defendants.

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U.S. DISTRICT COURT
U.S. SAN JUAN, P.R.
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ORDER

On September 7, 1999, the Court granted Co-defendant's, Municipality of San Juan ("MSJ"), Motion For Summary Judgment (Docket No. 34), and dismissed the federal with prejudice and pendent Puerto Rico law claims without prejudice. (Docket No. 55). The Court hereby amends that Opinion and Order (Docket No. 55) to reflect that only the claims against MSJ are affected.

Further, the corresponding Judgment (Docket No. 56) entered on September 7, 1999 must be VACATED. First, the abovementioned Opinion and Order (Docket No. 55) pertains only to MSJ and thus the Judgment is so limited. Second, the Judgment thus must have been a partial judgment and as such had to be entered pursuant to Fed. R. Civ. P. 54(b). See Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1st Cir. 1988) (For proper entry of partial judgment, Rule 54(b), the Court is required to "make specific findings setting forth the reasons for its order."). Last, the First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See Nichols v. Cadle Co., 101 F.3d 1448, 1449 (1st Cir. 1996) ("piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly."); Zayas-Green v. Casaine, 906 F.2d 18, 21 (1st Cir. 1990) ("This final judgment rule ... furthers the 'strong congressional policy against piecemeal review.'") Id. (quoting In re Continental Investment Corp., 637 F.2d 1, 3 (1st Cir. 1980)); Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority, 888 F.2d 180, 183 (1st Cir. 1989); Consolidated Rail Corp. v. Fore River Ry. Co., 861 F.2d 322, 325 (1st Cir. 1988); Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1st Cir. 1988); Santa Maria v. Owens-Ill. Inc., 808 F.2d 848, 854 (1st Cir. 1986)); see also United States v. Nixon, 418 U.S. 683, 690, 94 S.Ct. 3090, 3099, 41 L.Ed.2d 1039 (1974).

WHEREFORE, the summary judgment motion (Docket No. 34) is hereby GRANTED, and the Plaintiffs' federal causes of action against Co-defendant, Municipality of San Juan, are DISMISSED WITH PREJUDICE and pending state-law claims against Co-defendant, Municipality of San Juan, are DISMISSED WITHOUT PREJUDICE. The Opinion and Order (Docket No. 55) is so amended. Also, the Judgment (Docket No. 56) is VACATED.
IT IS SO ORDERED.

In San Juan, Puerto Rico, this 22 day of December, 1999.



DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE